

# SENATE JOURNAL.

THIRTY-THIRD LEGISLATURE—FIRST CALLED SESSION.

## FIRST DAY.

Senate Chamber,  
Austin, Texas,  
Monday, July 21, 1913.

In obedience to the call of His Excellency, Hon. O. B. Colquitt, Governor of the State of Texas, convening the Thirty-third Legislature in Special Session, this, the 21st day of July, 1913, the Senate met in the Senate Chamber of the Capitol in the city of Austin, at 10 o'clock a. m., and was called to order by Lieutenant Governor Will H. Mayes.

## TEMPORARY ORGANIZATION

The Chair announced the appointment of the following temporary officers:

Secretary, W. V. Howerton, of Travis county; Journal Clerk, R. M. Gilmore, of Van Zandt county; Sergeant-at-Arms, M. F. Hornbuckle, of Bosque county; Doorkeeper, Capt. E. I. Kellie, of Jasper county; Calendar Clerk, J. C. Stanberry, of Tarrant county.

Prayer by Rev. H. M. Sears.

The Chair then directed the roll called, the following Senators answering to their names:

Astin, J. R., Bryan, representing District No. 12.

Bailey, L. H., Houston, representing District No. 16.

Brelsford, H. P., Eastland, representing District No. 28.

Carter, E. H., Center, representing District No. 8.

Conner, R. P., Brownwood, representing District No. 26.

Cowell, S. B., Whitesboro, representing District No. 4.

Darwin, H. L., Cooper, representing District No. 2.

Gibson, F. M., Bonham, representing District No. 5.

Hudspeth, Claude B., El Paso, representing District No. 25.

Johnson, W. A., Memphis, representing District No. 29.

Lattimore, O. S., Fort Worth, representing District No. 30.

McGregor, T. H., Austin, representing District No. 20.

McNealus, J. C., Dallas, representing District No. 6.

Morrow, C. W., Hillsboro, representing District No. 10.

Real, Julius, Kerrville, representing District No. 24.

Taylor, C. W., Rogers, representing District No. 27.

Terrell, H. B., West, representing District No. 11.

Townsend, W. J., Jr., Lufkin, representing District No. 13.

Warren, Robt. L., Terrell representing District No. 9.

Watson, J. U., Giddings, representing District No. 19.

Westbrook, Ed., Wolfe City, representing District No. 5.

Wiley, Jas. L., St. Jo, representing District No. 31.

Willacy, John G., Corpus Christi, representing District No. 23.

Absent.

Collins, V. A., Beaumont, representing District No. 14.

District No. 7—Vacant.

Kauffman, J. E., Galveston, representing District No. 17.

District No. 22—Vacant.

District No. 18—Vacant.

District No. 1—Vacant.

District No. 21—Vacant.

Nugent, C. W., representing District No. 15.

## OATH OF OFFICE ADMINISTERED.

The Chair stated that Senator-elect James A. Harley, elected to fill the vacancy of the Twenty-first District, was present and that the Chair was in possession of telegrams from various county judges of the district stating that Mr. Harley had been duly elected.

Senator Hudspeth moved that the Senate accept the evidence of election and that Mr. Harley be seated as a member of the Senate from the Twenty-first Senatorial District.

The motion prevailed.

The Chair appointed Senators Hudspeth, Carter and Johnson as a committee to escort Mr. Harley to the bar of the Senate, whereupon the Chair administered the constitutional oath of office to him.

#### PROCLAMATION BY THE GOVERNOR.

The Chair here laid before the Senate the following proclamation:

Governor's Office,  
Austin, Texas, July 7, 1913.

Whereas, the Thirty-third Legislature adjourned the Regular Session thereof without making appropriations for the support of the State Government, as provided by the Constitution shall be done.

Now, therefore, the failure of the Legislature to pass such appropriation bill creates an extraordinary occasion, justifying the Governor to convene the Legislature in extra session, and I do hereby call the same to convene in the Capitol in the City of Austin, beginning at ten o'clock a. m., Monday, July 21, 1913, for the following purposes, to-wit:

1. To make appropriations for the support of the State Government and its institutions, and the repair, restoration and erection of necessary public buildings, for the fiscal years beginning September 1, 1913, and ending August 31, 1915.

2. To pass a law providing for and regulating the election of United States Senators from Texas by the people thereof, as provided shall be done hereafter by an amendment to Section 3 of Article 1 of the Constitution of the United States recently declared ratified and adopted by three-fourths of the States in the Union.

3. To revise or amend the provisions of the law now governing the management and control of the Penitentiary System as embraced in Chapter 10, Acts of the Fourth Called Session of the Thirty-first Legislature.

4. To consider and act upon such other matters as may be presented by the Governor, pursuant to Section 40 of Article 3 of the Constitution of Texas.

In testimony whereof, I hereunto sign my name and affix the Seal of State at Austin, Texas, this the 7th day of July, A. D. 1913.

(Seal.) O. B. COLQUITT,  
Governor of Texas.

By the Governor:  
F. C. WEINERT,  
Secretary of State.

The State of Texas,  
Department of State.

I, D. A. Gregg, Acting Secretary of State of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of the Proclamation of Hon. O. B. Colquitt, Governor of Texas, convening the Thirty-third Legislature in extra session at ten o'clock a. m., Monday, July 21, 1913.

In testimony whereof I have hereto signed by name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas, this the 21st day of July, A. D. 1913.

(Seal.) D. A. GREGG,  
Acting Secretary of State.

#### PRESIDENT PRO TEM.—ELECTION OF.

The Chair then announced that the election of a President Pro Tem. was in order.

Senator Hudspeth nominated Senator E. H. Carter of Shelby county.

Senators Brelsford, Gibson and Lattimore seconded the nomination of Senator Carter.

There being no other nomination, the Chair declared nominations closed.

Senators Cowell, Lattimore and Gibson were appointed tellers.

The vote resulted as follows:

Senator Carter, 21 votes.

Senator Warren, 1 vote.

Senator Astin, 1 vote.

Senator Townsend, 1 vote.

The three latter names were not nominees.

Senator Carter having received a majority of all the votes cast, was declared duly and constitutionally elected.

The Chair appointed Senators Cowell, Lattimore and Gibson as a committee to escort Senator Carter to the President's stand, whereupon the constitutional oath of office was administered him.

#### NOTIFICATION COMMITTEE FROM HOUSE.

A committee from the House here appeared at the bar of the Senate and notified the Senate that the House was organized and ready for business.

#### RECESS.

On motion of Senator Lattimore, the Senate recessed until 3 o'clock today.

## AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes, and, on motion of Senator Watson, was at ease subject to call of the Chair.

At 4:20 o'clock p. m. the Senate was called to order by Lieutenant Governor Mayes.

## SENATE COMMITTEE REPORT.

Senator Hudspeth offered the following committee report of the Senate caucus relative to the selection of officers and employes of the Senate for the Called Session:

Secretary, W. V. Howerton, Travis county.

Assistant Secretary, John D. McCall, Montgomery county.

Journal Clerk, R. M. Gilmore, Van Zandt county.

Assistant Journal Clerk, Homer Lowry, Wise county.

Calendar Clerk, J. C. Stanberry, Tarrant county.

Assistant Calendar Clerk, D. H. Caben, Fannin county.

Engrossing Clerk, Frank P. Smith, Cooke county.

Enrolling Clerk, W. P. Williams, Kaufman county.

Assistant Enrolling and Engrossing Clerk, J. C. Son, Palo Pinto county.

Sergeant-at-Arms, M. F. Hornbuckle, Bosque county.

Assistant Sergeant-at-Arms, J. A. Kenney, Dallas county.

Doorkeeper, Capt. E. I. Kellie, Jasper county.

Assistant Doorkeeper, I. D. Eagan.

Chaplain, Rev. H. M. Sears, Travis county.

Clerk-at-Large: W. W. Meachum, Grimes county.

Postmistress: Mrs. Clyde D. Smith.

General Committee Clerk: Garland Woodward.

Stenographers: Miss Jessie Garrard, Miss Theodora Bell, Ralph St. John, Miss Jennie Daugherty, Matt. Wilson, Miss Winnie Weddle, Mrs. Ethel Loose, Miss Tinse Ragsdale, Miss Daisy Reedy, Miss Grace Hannon, Miss Rikka Peterson, Miss Ann Howe, Miss Mary Thompson, Miss Minnie Nance, Miss Mattie Jones, Miss Nellie Lowday: Miss Lillian Armstrong, Mailing Clerk; Miss Eula Hurlock; W. E. Boykin, General Clerk; Bob Barker, General Clerk; T. D. Stamps, General Clerk; Miss Ruby Bethel, Stenographer; Miss Bessie M. Sparks, General Clerk.

It is further recommended that the Lieutenant Governor appoint his private secretary, eight pages and six porters.

HUDSPETH, Chairman.

The above was read, and Senator Brelsford moved that same be adopted.

Senator Watson moved that the report be adopted and that those employes recommended be elected, except the officers that were required to be elected by ballot.

The motion prevailed, and the Chair declared the committee clerks and stenographers elected.

## ELECTION OF OFFICERS.

Senator Hudspeth nominated W. V. Howerton for Secretary.

There being no other nominations, the Chair declared nominations closed.

Senators Taylor, Darwin and Westbrook were appointed as tellers.

Mr. Howerton received 21 votes and was declared duly and constitutionally elected.

Senator Lattimore moved that the Secretary be instructed to cast the vote of the Senate for the following officers, which motion prevailed:

Assistant Secretary, John D. McCall.

Journal Clerk, R. M. Gilmore.

Assistant Journal Clerk, Homer F. Lowry.

Calendar Clerk, J. C. Stanberry.

Assistant Calendar Clerk, D. H. Caben.

Engrossing Clerk, Frank P. Smith.

Enrolling Clerk, W. P. Williams.

Assistant Enrolling and Engrossing Clerk, J. C. Son.

Sergeant-at-Arms, M. F. Hornbuckle.

Assistant Sergeant-at-Arms, J. A. Kenney.

Doorkeeper, Captain E. I. Kellie.

Assistant Doorkeeper, I. D. Eagan.

Chaplain, Rev. H. M. Sears.

The above officers were declared duly elected.

## OATH OF OFFICE ADMINISTERED.

The above officers, except the Chaplain, Rev. Mr. Sears, appeared en masse at the bar of the Senate and were administered the oath of office.

## APPOINTMENTS BY LIEUTENANT GOVERNOR.

Private Secretary to Lieutenant Governor Mayes, Thomas Leach of Brown county.

Pages: Harry Little, Travis county; Wilbur Hill, Bastrop county; Guynn Smith, Travis county; Forrest Hale, Harris county; Arthur Cofer, Travis county; William Atkinson, Travis county; John Cox, Culberson county; Ernest Cornitius, Travis county.

Porters: Ellis Monroe, Travis county; Frank Kelley, Caldwell county; Jack Blocker, Travis county; Chester Odom, Bell county; Horace Nichols, Dallas county.

#### NOTIFICATION COMMITTEES.

The Chair here appointed the following special committees to notify the Governor and House that the Senate was organized and ready for business:

To notify the Governor: Senators Warren, Hudspeth and Gibson.

To notify the House: Senators Johnson, Real and McNealus.

Later both committees made their reports.

#### SIMPLE RESOLUTION.

By Senator Brelsford:

Resolved, That each member of the Senate be permitted to subscribe for five daily papers, to be paid for out of the contingent fund of the Senate.

The resolution was read, and Senator Westbrook offered the following amendment:

Amend the resolution by inserting "three" where "five" occurs.

Senator Brelsford moved to table the amendment, which motion prevailed.

The resolution was adopted.

#### MESSAGE FROM THE GOVERNOR.

The Chair here laid before the Senate the following messages from the Governor:

Governor's Office,

Austin, Texas, July 21, 1913.

To the Texas Legislature:

In harmony with the provision of the Constitution relating to extra sessions of the Legislature you have been called together to consider and pass laws on the following subjects, to-wit:

Pass an appropriation bill.

Amend the penitentiary laws.

Provide for the election of United States Senators from Texas by direct vote of the people.

And such other subjects as may be subsequently submitted for your consideration.

#### Appropriations Asked For.

The heads of all departments, and superintendent of all State institutions were requested for a statement of their needs for the two fiscal years beginning September 1, 1913, and ending August 31, 1915. These estimates have been formulated into a tentative bill, the needs of the educational institutions, eleemosynary institutions, judiciary and executive departments being formulated into separate bills. The total requisitions show a demand for the following sums of money:

	For the Year Ending Aug. 31, 1914.	Aug. 31, 1915.
Educational institutions .....	\$2,206,800	\$1,529,950
Eleemosynary institutions .....	1,607,645	1,437,595
Judicial department .....	967,063	965,863
Executive departments .....	1,321,020	1,260,232
Grand totals...	\$6,102,528	\$5,193,640

The Regular Session of the Thirty-third Legislature passed appropriation bills calling for the sum of \$1,382,832.38. The totals of these figures for the two years amount to \$12,679,000.38. But, of course, the heads of departments and the various State institutions do not expect that the Legislature will give them all they ask for.

#### The Last Appropriation Bill.

The last appropriation bill as approved carried the sum of \$5,144,279.26 and \$4,460,332.00 for the years ending August 31, 1912 and 1913, and the special appropriations made by the Legislature and approved amounted to \$781,269.99—a total of general and special appropriations by the Thirty-second Legislature of \$10,365,880.25. The sums already appropriated by the present Legislature and asked of them now, exceed the total appropriations by the Thirty-second Legislature by \$2,313,120.13.

The ad valorem taxes collected on the assessments for the year 1911 were used in paying the bills of the Thirty-second Legislature for the fiscal year ending August 31, 1912. The tax rate for 1911 was 12½ cents on the hundred dollars and this rate produced a revenue of \$2,565,494.60. The tax levy for the year 1912 was 10 cents on the hundred dollars of assessed values. This produced a revenue of \$2,474,535.31. More than half of the moneys, therefore, to meet the State's bills from general rev-

enue are raised by special taxes, being in the form, for the greatest part, of taxes on gross receipts of corporations, franchise taxes and occupation taxes imposed on liquor dealers and poll taxes.

It is estimated that the total of tax renditions for this year will approximate two billion six hundred and twenty million dollars. A tax rate of 10 cents on this value will produce a net revenue of about two and one-half million dollars to be applied on next year's expenses. I estimate the money coming into the Treasury from other sources for the next fiscal year, for general revenue use, at about three million dollars.

#### Public Improvements.

Of the \$12,679,000 asked at the hands of the Legislature at this time for the next two years, about two million of it is asked for use in the erection and repair of public buildings. If this sum is granted it will take an 8 cent tax rate for one year, or a 4 cent tax rate for two years, to meet the bill. During the first two years of the present administration there was expended and appropriated for new buildings and improvements the sum of \$1,139,563, as follows:

State Orphan Home.....	\$ 59,600
State Institution for the Training of Juveniles.....	58,500
Southwestern Insane Asylum.....	65,600
North Texas Hospital for the Insane .....	33,600
Epileptic Colony .....	18,300
State School for the Blind....	17,400
Deaf, Dumb and Blind Institute for Colored.....	6,140
North Texas State Normal....	50,000
College of Industrial Arts....	79,500
Deficiency .....	7,071
Confederate Home .....	11,400
Confederate Woman's Home...	19,975
Restoration of Alamo.....	5,000
Deaf and Dumb Institute....	20,500
State Lunatic Asylum.....	28,177
Isolation pavilion, Galveston..	15,700
Public Buildings and Grounds..	4,000
Tuberculosis Colony .....	62,000
Sam Houston Normal.....	5,000
Thirty-third Legislature—Land	12,000
Southwestern State Normal...	26,600
Thirty-third Legislature—Buildings .....	7,500
A. & M. College.....	526,000

Total .....\$1,139,563

An examination of the appropriation bills passed by the Thirtieth and Thirty-first Legislatures shows that they carried a total, for new buildings and im-

provements, for the years beginning September 1, 1907, and ending August 31, 1909, of \$382,000; and for the years beginning September 1, 1909, and ending August 31, 1911, \$287,000; a total for the four years of \$669,000. It has been the policy of this administration to build nothing but substantial, fireproof structures. I requested boards of managers and superintendents not to permit anything but fireproof buildings to be erected, and in every instance, where practical, this request has been followed, there being, perhaps, only one or two exceptions.

I shall forego a detailed discussion of appropriations and revenues, for I do not wish to tax your time with a lengthy message. I shall content myself in saying on this subject that the powers conferred upon the Governor's office will be used to the end that the expenses of the State will be held within her income, and put on a cash basis at the very earliest practical moment.

The revenues from ad valorem and special taxes have been ample to meet the bill on which the tax rate was based. But calamities of various kinds, including several disastrous fires, especially those at the Agricultural and Mechanical College, and the special appropriations by the present Legislature, will cause us to begin the next fiscal year with a deficit of about one million dollars. Except for these extraordinary expenses we could have begun the next fiscal year with a surplus of \$300,000 to \$400,000. If the appropriations, general and special, by the present Legislature are held to about six million dollars, a tax levy of 10 cents on the hundred dollars on the current year's assessments will be sufficient.

The people last fall adopted an amendment to the Constitution authorizing the levy of a tax of 5 cents on the hundred dollars to pay Confederate pensions, and at the Regular Session you passed a bill carrying this amendment into effect. This year, therefore, an extra tax of 5 cents has been levied by the Legislature to pay Confederate pensions. An item of \$500,000 was carried in the last appropriation bill for each year to pay such pensions. This item will not be in this year's bill. The two and one-half million increase in the budgets for two years as asked for is exclusive of this item.

#### Tardy Revenue Receipts.

I attach statements from the Comptroller, State Treasurer, Secretary of State and the Commissioner of Insur-

ance and Banking showing the sources of our revenue, and the amount collected from various sources. Especial attention is invited to the statement of the Treasurer which shows the amounts paid into the Treasury to the credit of general revenue, from all sources, each month. Perhaps the State's expenses are heavier in September, October and November—greater than any other period of the year, for during those months the cost of supplies purchased in July and August for the first quarter of the fiscal year, and in some instances for six months and the whole year, are coming in. The average cost of the State Government is about half a million dollars per month. But the Treasurer's statement shows that the Treasury's receipts for seven out of the twelve months were less than that sum, being as low as \$110,988 in September. The August collections come almost entirely from the payment of occupation taxes by liquor dealers. The ad valorem tax collected on this year's assessments will not begin to reach the Treasury until January, most or nearly all of it coming in January, February and March.

#### School Revenues.

The school tax of 16 2-3 cents has been levied for several years past, and although the revenues from land notes, bonds, and leases of land have not increased in the proportion that revenues for the general fund from special taxes have increased, yet there has been an increase in the per capita apportionment of the State School Fund to the children of the counties of five cents each year since I became Governor. The schools are running for a longer period each year and are gradually increasing in efficiency and effectiveness.

#### Election of United States Senators.

The Constitution of the United States relating to the election of United States Senators from the States of the Union has been amended so as to require the election of United States Senators by a direct vote of the people. The amendment is quoted in full so as to show the present requirements of the Federal Constitution on this subject. It is as follows:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for

electors of the most numerous branch of the State Legislature.

"When vacancies happen in the representation in any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the Legislature may direct."

There is no law now on the statutes of Texas providing for the election of United States Senators in harmony with the foregoing provision of the United States Constitution. Legislation in harmony therewith is urged upon you. If a vacancy were to occur in the representation from Texas in the Senate, neither the Governor nor the Legislature could fill such vacancy by appointment or election.

#### Prison Commission Law.

The law creating the Prison Commission and for the government of the State prisons, ought to be radically amended. I have discussed this law and the prison management and financial condition in previous messages in much detail. I refer you to my general message to the Legislature last January and to the special message of January 30, 1913. I also call your attention to the special message sent the Thirty-second Legislature especially pointing out amendments to the law which were desirable then. These recommendations, some of them, are especially pertinent now. This message is included in the proceedings of the 28th day of the Regular Session of the Thirty-second Legislature. The extra costs of operation of the prison system required by the law which took effect on January 20th preceding the writing of the message are pointed out, and their repeal recommended. These extra expenses have amounted to nearly half a million dollars in two years and represent one-third of the debts of the Prison System.

#### Less Detail Needed.

There is too much detail in the law, and too many hard and fast rules established that make the law impractical in its administration. The per diem to the prisoners provision should be eliminated; the ten-hour a day limitation should be changed; and the overtime regulation materially changed so as to make it apply to those who have to do night and Sunday work only.

#### Estimated Cost of New Law.

Testifying before the Legislative Committee that framed the present Prison System Law, Mr. Jake Herring, then superintendent of the penitentiary, stated that it would cost the State five million dollars to put the new law into operation and carry it out. I see by the reports of his testimony before the Legislative Committee recently that he reiterated this statement.

#### Costly Experiments.

But long before the enactment of the new statute which has called for large additional expenditures in the way of payment for extra time and other fixed charges not theretofore required, the State engaged in several costly experiments. The Prison System has about \$750,000 invested in sugar mills and they have never been profitable; on the contrary, they have cost large sums to keep them in repair and have, in my opinion, proven an annual loss to the State.

#### The Iron Furnace.

Several hundred thousand dollars were expended in an iron furnace and pipe foundry at Rusk and operated for a number of years at a heavy loss. This furnace and foundry have been leased by the Prison Commissioners under terms which will probably be worth fifty thousand dollars per annum to the State in the way of freight to the State Railroad, the sale of ore, and the rental price, which is five thousand dollars per annum.

#### The State Railroad.

The State Railroad, thirty-two miles in length and running from Rusk to Palestine, has never earned enough to pay its operating expenses and its upkeep. The losses on account of it to the Penitentiary System since January 20, 1911, the date the new law took effect, amount to over \$94,000. The State School Fund holds \$100,000 of the bonds issued in part payment of its construction. We have an offer to lease it for just enough to pay the interest on these bonds, but the offer is based upon the expenditure of the rental for a number of years in putting the property in safe condition for operation.

#### Huntsville and Rusk Prisons.

Neither the Rusk nor the Huntsville prisons have ever made the cost of their maintenance. In fact, after careful study of the matter, I have reached the con-

clusion that for every dollar the system has made at either one of these prisons it has cost two dollars to produce it. I believe that the effort to make mechanics out of old men might as well be abandoned. After they reach mature years it is difficult to teach them a trade. Besides, I am in serious doubt as to whether we will ever be able to carry on a manufacturing business with convict labor. At all events, the older men should not be used in an effort to do so; only the young men, say from sixteen to twenty-five, should be employed in the prison factories. It is doubtful even if the short term young men can be profitably used in them.

#### Brazos Bottom Farms.

It costs more to cultivate an acre of ground in the Brazos bottom—perhaps twice as much—in any given crop, than the black prairie land. It costs about twice as much to cultivate an acre of sugar cane in the Brazos bottom as cotton. It is doubtful if the Brazos bottom land will produce as much cotton per acre, one year with another for a series of years, as the black prairie land in Central or North Texas. As already stated, the cost of cultivation on the Brazos is much greater; on the prairies it does not require the most expensive live stock, whereas, on the Brazos the heaviest and most expensive mules have to be purchased and even they are worn out in four or five years and cease to be serviceable and meet the requirements. The State has in cultivation about thirty thousand acres of its own land on the Brazos, and it is safe to say that the force of men required to cultivate this ground could easily cultivate sixty thousand acres of prairie land. These are deductions of fact which I think few disinterested persons familiar with conditions will deny. We have now approximately 4,100 prisoners in the penitentiary and the population is rapidly increasing. On January 20, 1911, there were approximately 3,450 convicts. It has cost much to take care of this increase, to say nothing of the difficulties under which it has been done. But it is my deliberate opinion that the convicts capable of farm work could cultivate, in good condition, and gather the crops off of 100,000 acres of prairie land easier than they can cultivate the forty odd thousand acres now being worked on the Brazos. Any bill which may pass the present session of the Legislature should vest authority in the management, subject to the approval of the Governor, or some other authority, to sell all of the

State Brazos bottom holdings and invest it in good prairie land, conveniently located. We might as well quit experimenting with the Prison System and get down to a basis which we know at once and to start with, that the the soil, the seasons and conditions generally, one year with another, will be in the State's favor, and that fair returns will be received each year by the State from the labor of its prisoners.

#### Sugar Culture Expensive.

Whether the lands owned by the State on the Brazos are sold or not, I do not think any more should be purchased in that locality with a view to cultivating it in sugar cane. It is my deliberate recommendation, and will be, that the cultivation of sugar cane on the convict farms be abandoned as soon as practicable. It is a most expensive crop to cultivate; it is uncertain and as much subject to the seasons as other crops. In 1911 we had the biggest crop ever produced in the history of prison farming, but on Thanksgiving Day that year a freeze swept over the State extending to the coast and froze and destroyed practically all the cane in the fields, causing a loss of fully one half the crop. Then last year, the long drouth during the summer months stunted the cane's growth and the crop was very light—didn't pay fifty cents on the dollar of the cost of its cultivation.

#### If the Contention Is Correct.

If the advocates of "free sugar" or the admission of raw sugar into this country for refining from other countries free of tariff duty, are correct, sugar cane growing will be still less profitable when the provisions in the tariff bill now pending in Congress go into effect. Sugar refineries undoubtedly will be able to import raw sugar from Cuba, the Philippine Islands and other cane growing islands under the control of foreign governments, at a much less cost to themselves. This country does not produce enough sugar for its own consumption and that which is imported now costs the refiner the purchase price in the country of its production plus the freight plus the tariff. When a tariff bill that admits the unrefined sugar, or the raw material free of duty, is passed, the refiners will get their unrefined sugar at its cost on the producing market, plus the freight, and this fact will undoubtedly influence the price the domestic producer will get for his product. Whatever the effect upon the consumer of

sugar may be (and I do not believe it will affect him favorably) it is admitted by the ablest advocates of the doctrine that the sugar producer will probably have to go out of business. One of the ablest men in Congress, opening the debate on the tariff bill, referring to this question and the effect it would have upon the sugar planter, said in substance that the "provision in the bill providing for admitting unrefined sugar free of duty would not go into effect for three years, and in that length of time the sugar planters would have a chance to make enough to pay their debts to the merchants and bankers before retiring from the business," which is tantamount to saying the sugar planter is now, even, working for the merchant and the banker. This is practically true with the Texas Penitentiary System as a sugar producer. The system makes nothing and has made nothing growing sugar, under present conditions, and if they are to become worse by reason of national legislation, it is time for the State to abandon the cultivation of cane now and not wait until three years hence.

Of course, I do not suggest that these matters should be recited in amendments to the law governing the Prison System of the State. But any amended law that may be passed should make ample provision for practical business management with one responsible head, and vest in that management discretion to sell the lands now owned. The management already has discretion to plant or to abandon the planting of any crop that may prove unprofitable.

In view of the fact that a Legislative Committee has been making investigations of prison management and has received the benefit of the advice of many critics and some friends of the present law and managers, I forego a further discussion of this subject. Content with these observations, for the present, with a reiteration of the recommendations made in former messages, I sincerely ask the co-operation of the Legislature in a patriotic effort to give the people a sensible, business-like and practical law for the control of the Prison System and its management.

Respectfully submitted,

O. B. COLQUITT,

Governor of Texas.

Governor's Office,

Austin, Texas, July 21, 1913.

To the Texas Legislature:

I submit for your consideration and action the following:



The passage of an act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds and specifying that the bonds held by the permanent Agricultural and Mechanical College Fund shall be among those retired.

In explanation of the foregoing recommendation, I am just advised that judgment has been entered in the Eighth District Court of Hunt county in favor of the State against the Standard Oil Company of New Jersey for penalties for the violation of the anti-trust laws of the State in the sum of \$500,000.

Since he took the office, Attorney General Looney filed suit against the Standard Oil Company of New Jersey and companies alleged to be controlled by them in Texas. You are doubtless familiar with this litigation, and I deem it unnecessary to go into an explanation of it. The Attorney General and the State of Texas are to be congratulated upon the favorable termination of the suit against the Standard Oil Company of New Jersey, which has agreed to pay penalties of \$500,000 for violation of the anti-trust laws of Texas. This money will be paid into the State Treasury about Wednesday of this week. There are now outstanding State Treasury warrants in a sum exceeding this amount. They have been purchased by speculators in these warrants and discounted on a basis which contemplated their non-payment for several months. If the money is permitted to go into the General Revenue Account without action of the Legislature, it will be immediately disbursed in the payment of these Treasury warrants which have been purchased at a discount as already explained.

At the Third Called Session of the Thirty-first Legislature an act was passed authorizing the Governor to have bonds lithographed in a total sum of \$1,353,700.00 for the purpose of refunding and taking up a like amount of Texas State bonds maturing. These bonds at that time were held as follows:

\$799,000.00 by the Public School Fund; \$217,200.00 by the Permanent University Fund; \$24,300.00 by the Permanent Orphan Home Fund; \$29,500.00 by the Permanent Blind Asylum Fund; \$46,600.00 by the Permanent Deaf and Dumb Asylum Fund; \$62,800.00

by the Permanent Lunatic Asylum Fund, and \$174,000.00 by the Permanent Agricultural and Mechanical College Fund, and were bearing five per cent interest; the refunded bonds authorized by said act bear only three per cent. Since their refunding the Public School Fund and other public institution funds owning bonds have been losing two per cent interest annually.

Under an act of Congress endowing the Agricultural and Mechanical College with the bonds held by it, it is stipulated that the fund received by the Agricultural and Mechanical College must be invested in securities bearing not less than five per cent. The authorities of the United States Government are demanding of the Agricultural and Mechanical College authorities that this requirement of the Federal Statute be complied with. At the time the refunding of the bonds was authorized by the Third Called Session of the Thirty-first Legislature there was money in the State Treasury, collected from fines imposed upon the Waters-Pierce Oil Company, sufficient to pay off and retire said bonds, but the Governor used said fines in paying current expenses of the State Government, and insisted upon the refunding of the bonds herein referred to. In my opinion, the \$500,000 in penalties now collected from the Standard Oil Company of New Jersey ought not to be used in defraying the current expenses of the State Government, but good public policy suggests that it be used in retiring \$500,000 of three per cent bonds of the issue of 1910 so that said amount may be reinvested for the benefit of the Public School Fund, the University and the Agricultural and Mechanical College funds, in bonds bearing not less than five per cent interest.

I solicit prompt action on the part of the Legislature, and urge the speedy passage of a bill on this subject carrying into effect the suggestions herein made.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### ELECTION OF SECOND ASSISTANT SERGEANT-AT-ARMS.

Senator Terrell moved that J. P. Hall of Hays county be elected Second Assistant Sergeant-at-Arms of the Senate.

The motion was adopted by the following vote:

## Yeas—14.

Astin.	Hudspeth.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Real.
Cowell.	Terrell.
Gibson.	Watson.
Harley.	Wiley.

## Nays—7.

Conner.	Townsend.
Darwin.	Westbrook.
Johnson.	Willacy.
Taylor.	

Present—Not Voting.

Morrow.

Absent.

Collins.	Nugent.
Kauffman.	Warren.
Lattimore.	

The Chair declared Mr. Hall elected Second Assistant Sergeant-at-Arms.

## REASON FOR VOTE.

I vote "nay" on the motion to elect Mr. J. P. Hall Assistant Sergeant-at-Arms for the reason that there have already been several gentlemen selected for positions in the Senate for which there are no duties to perform, and they might be assigned to these duties and thus relieve the State of the expense of another employe.

JOHNSON.

## BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem pay and mileage of members, and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Taylor, Willacy, Hudspeth and Lattimore:

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hudspeth:

Senate bill No. 4, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds, and specifying that the bonds held by the permanent Agricultural and Mechanical College fund shall be among those retired, and declaring an emergency."

Read first time and referred to Committee on Finance.

## OATH OF OFFICE ADMINISTERED TO MR. HALL.

The Chair here administered the oath of office to Mr. Hall, Second Assistant Sergeant-at-Arms.

## COMMITTEE REPORTS.

Senator Willacy here offered the following committee reports:

Committee Room,

Austin, Texas, July 21, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 1, A bill to be entitled

"An Act making appropriation to pay the per diem pay and mileage of members, and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WILLACY, Chairman.

Committee Room,  
Austin, Texas, July 21, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WILLACY, Chairman.

#### SENATE BILL NO. 1.

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering Senate bill No. 1.

The committee report, which provided that the bill be not printed, was adopted.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 1 was put on its second reading by the following vote:

Yeas—22.

Astin.	Harley.
Bailey.	Hudspeth.
Brelsford.	Johnson.
Carter.	McGregor.
Conner.	Morrow.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.

Townsend.  
Warren.  
Watson.

Westbrook.  
Wiley.  
Willacy.

Absent.

Collins.  
Kauffman.  
Lattimore.

McNealus.  
Nugent.

The Chair laid before the Senate, on its second reading,

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem pay and mileage of members and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The bill was read second time and was passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Harley.  
Hudspeth.  
Johnson.  
McGregor.

McNealus.  
Morrow.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

Absent.

Collins.  
Kauffman.

Lattimore.  
Nugent.

The bill was read third time and was passed by the following vote:

Yeas—23.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Harley.  
Hudspeth.  
Johnson.  
McGregor.

McNealus.  
Morrow.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

**Absent.**

Collins. Lattimore.  
Kauffman. Nugent.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

**SENATE BILL NO. 2.**

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering Senate bill No. 2.

The committee report, which provided that the bill be not printed, was adopted.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 2 was put on its second reading by the following vote:

**Yeas—22.**

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Real.
Carter.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

**Absent.**

Collins. McGregor.  
Kauffman. Nugent.  
Lattimore.

The Chair laid before the Senate, on its second reading,

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

**Yeas—23.**

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Real.
Carter.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
McGregor.	

**Absent.**

Collins. Lattimore.  
Kauffman. Nugent.

The bill was read third time and was passed by the following vote:

**Yeas—23.**

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Real.
Carter.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
McGregor.	

**Absent.**

Collins. Lattimore.  
Kauffman. Nugent.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

**ADJOURNMENT.**

On motion of Senator Hudspeth, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

# In Memory of Hon. W. J. Greer

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By Senator Hudspeth et al.:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. W. J. Greer, late a State Senator, of Van Zandt county, and late President Pro Tem. of the Senate.

Resolved, That as a mark of respect to the memory of the deceased Senator, the business of this Senate be suspended for one hour Wednesday, July 23, prior to adjournment, to enable his associates to pay proper tribute to his high character and distinguished public service, and that we adjourn on that day out of respect to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the family of the deceased Senator, and that a page in the Journal be set apart and dedicated to his memory.

HUDSPETH,  
DARWIN,  
WARREN,  
WILLACY,  
CARTER.

The resolution was read and unanimously adopted by a rising vote.